

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:10CV115-1-W

3:07CR173-W

CARLA GRIFFIN,

Petitioner

vs.

UNITED STATES OF AMERICA,

Respondent.

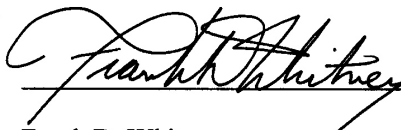
ORDER

THIS MATTER comes before the Court on Petitioner's Motion to Vacate, Set Aside, or Correct Sentence (Doc. No. 1), filed March 3, 2010.

On November 2, 2009, this Court sentenced Petitioner to 60 months imprisonment. Judgement was entered on November 30, 2009. On December 7, 2009, Petitioner appealed her sentence and conviction to the United States Court of Appeals for the Fourth Circuit where it is still pending. (App. Case No. 09-5163.) Because Petitioner's direct appeal is still pending, Petitioner's Motion to Vacate, Set Aside, or Correct Sentence is dismissed as premature.

IT IS, THEREFORE, ORDERED that the Petitioner's Motion to Vacate, Set Aside, or Correct Sentence is **DISMISSED without prejudice**.

Signed: March 22, 2010



Frank D. Whitney
United States District Judge

